United Nations S/PV.6037

Security Council

Sixty-third year

Provisional

6037th meeting

Thursday, 11 December 2008, 3 p.m.

New York

President:	Mr. Jurica	(Croatia)
Members:	Belgium	Mr. Grauls
	Burkina Faso	Mr. Kafando
	China	Mr. Liu Zhenmin
	Costa Rica	Mr. Weisleder
	France	Mr. Lacroix
	Indonesia	Mr. Natalegawa
	Italy	Mr. Mantovani
	Libyan Arab Jamahiriya	Mr. Dabbashi
	Panama	Mr. Suescum
	Russian Federation	Mr. Shcherbak
	South Africa	Mr. Kumalo
	United Kingdom of Great Britain and Northern Ireland	Mr. Quarrey
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Hoang Chi Trung

Agenda

The situation in Burundi

Fourth report of the Secretary-General on the United Nations Integrated Office in Burundi (S/2008/745)

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08-64243 (E)

The meeting was called to order at 3.15 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Burundi

Fourth report of the Secretary-General on the United Nations Integrated Office in Burundi (S/2008/745)

The President: I should like to inform the Council that I have received a letter from the representative of Burundi, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Nsanze (Burundi) took a seat at the Council table.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to His Excellency Mr. Charles Nqakula, Facilitator of the Burundi Peace Process and Minister of Defence of South Africa.

It is so decided.

On behalf of the Council, I extend a warm welcome to Mr. Charles Nqakula, Facilitator of the Burundi Peace Process and Minister of Defence of South Africa.

I invite Mr. Nqakula to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to His Excellency Mr. Anders Lidén, Chairman of the Burundi configuration of the Peacebuilding Commission and Permanent Representative of Sweden to the United Nations.

It is so decided.

I invite Mr. Lidén to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2008/745, which contains the fourth report of the Secretary-General on the United Nations Integrated Office in Burundi.

At this meeting, the Security Council will hear briefings by His Excellency Mr. Charles Nqakula, Facilitator of the Burundi Peace Process and Minister of Defence of South Africa, and by His Excellency Mr. Anders Lidén, Chairman of the Burundi configuration of the Peacebuilding Commission and Permanent Representative of Sweden to the United Nations.

I now give the floor to Mr. Charles Nqakula, Facilitator of the Burundi Peace Process and Minister of Defence of South Africa.

Mr. Nqakula: Allow me at the outset to express my deep appreciation to you, Mr. President, for having invited me to the Security Council in order to interact with the members here. I bid a good afternoon to all the members of the Security Council and the executive representative of the Secretary-General. Today is the second time that I have had the singular honour to brief the Security Council on the work we are doing in Burundi with respect to the search for durable peace in that country.

When I briefed the Council last year, our report was an expression of hope that we were on the verge of completing the various steps of the Comprehensive Ceasefire Agreement between the Government of Burundi and the Parti pour la Libération du Peuple Hutu-Forces Nationales de Liberation (Palipehutu-FNL), but the Burundi peace process, from the Arusha negotiations to the Dar-es-Salaam peace process, has always had its ups and downs. It is, of course, in the nature of negotiations that many hiccups and bumps are experienced as such processes unfold.

The Burundi negotiations were particularly difficult given the deep distrust between the negotiating parties. We believe this time around that a significant step forward has been taken to resolve the matter of the Palipehutu-FNL — the only group in Burundi that has stayed out of the democratization

process in that country. The Facilitator of the Burundi peace process submitted a report in October to the leaders of the regional initiative of the Process, chaired by Uganda.

That report formed the basis of the discussions of the summit of the heads of State and Government of the Great Lakes region, held in Bujumbura, Burundi, on 4 December. The Government of Burundi and the Palipehutu-FNL, as has been the practice right through the process, were represented at the summit, as were the African Union and the Secretary-General, through his Executive Representative. The summit finalized the four outstanding matters with respect to the implementation of the Comprehensive Ceasefire Agreement. Those questions were always threatening to scuttle the peace process and, on a number of occasions, led to a stalemate.

The Palipehutu-FNL had been demanding certain concessions from the Government regarding the integration of their combatants into the armed forces of Burundi. In the beginning, the Palipehutu-FNL agitated for the disbanding of the Burundi army, whereupon a new defence force would be created for the country through the amalgamation of chosen troops from the current army and combatants of the Palipehutu-FNL.

That demand was shot down by the leadership of the Regional Peace Initiative when it was first raised, before the signing of the Comprehensive Ceasefire Agreement on 7 September 2006. The summit of the heads of State and Government of the Great Lakes region, sitting on the same day, also rejected the Palipehutu-FNL demand on the basis that the Burundi army was an institution that had been established in keeping with the law of the country, based on the Arusha negotiations.

The Palipehutu-FNL nonetheless continued to argue for an arrangement that would be defined by what they called a forces technical agreement. The arrangement was designed to produce a new army. Although an effort was made in the beginning to create a system to find common ground, the work ground to a halt. Two matters the Palipehutu-FNL had raised that the parties at the summit agreed to were the release of political and war prisoners by the Burundi Government and the appointment to the organs of the State of the leaders of the Palipehutu-FNL. President Pierre Nkurunziza, the Head of State of Burundi, had already committed himself in the past to implementing both of those demands. He said, though, that he wanted to release detainees into the assembly areas when those areas were up and running. He has offered the Palipehutu-FNL 33 positions for their senior members in the State institutions.

The Palipehutu-FNL was told by the parties at the Summit that it needed to apply to register as a political party in Burundi in order to participate in the social, economic and political life of the country, but that it could not do so under its current name. The name Palipehutu means the Party for the Liberation of the Hutu People.

The summit agreed that the name Palipehutu militates against the letter and spirit of the Burundi Constitution which stipulates that political parties in Burundi must be open to all Burundians and have to reflect a national image and in no way shall advocate violence, exclusion or any kind of hatred, especially regarding ethnic, regional, religious or gender belonging. Palipehutu-FNL was instructed, therefore, to change its name. It is currently informing its members about that decision.

The first group of Palipehutu-FNL combatants will report to the assembly areas on Friday, 12 December, for the start of the disarmament, demobilization and reintegration process. That exercise will have to be completed by 31 December, in keeping with the decision of the summit.

The completion of the implementation of the Comprehensive Ceasefire Agreement has taken a long time, given that the Agreement was signed in September 2006. Various attempts have been made to resolve whatever problems have arisen in the course of the process. A number of meetings have been held to resolve the problems and, on a number of occasions, binding documents have been signed to consolidate those agreements. But every step forward has been accompanied by new demands and retrogression.

One of the major breakthroughs was recorded when the leadership of the Palipehutu-FNL went back to Burundi to help implement the Comprehensive Ceasefire Agreement and push forward the peace process. The breakthrough did not open all the doors that we thought it would. The period following the return to Burundi of the leadership of the Palipehutu-FNL did not resolve all the problems revolving around the implementation of the Comprehensive Ceasefire Agreement. The Facilitation's Political Directorate had

to intervene just before the arrival in Burundi of Mr. Agathon Rwasa, the Palipehutu-FNL's leader, when war broke out again between the Government forces and the Palipehutu-FNL. The intervention was in the form of a joint declaration between the two parties, foreswearing violence. No major attacks have happened since then. The situation continues to be calm in that country.

In the face of more dilly-dallying, the Facilitation took the two parties to South Africa for confidence-building. The exercise culminated in the signing of the Magaliesberg Communiqué, which underscored that the successful and earliest conclusion of the peace process in Burundi was primarily the responsibility of the Government of Burundi and the Palipehutu-FNL. The Communiqué was signed on 10 June this year. In the face of more difficulties after the Magaliesberg meeting, the Facilitation arranged a meeting in Ngozi, Burundi, where the two parties once more made commitments.

The Facilitator of the Burundi peace process has been instructed by the Regional Peace Initiative fully to implement the Comprehensive Ceasefire Agreement by 31 December. The period from January 2009 will be used as a mop-up phase. The Facilitation team will then scale down its operations and the African Union Special Task Force will begin its withdrawal, to be completed by the end of March 2009. The Facilitation will then close its operations at the end of March. The Facilitator will report to the Regional Peace Initiative as soon as all of the elements of the mandate have been finalized in the New Year.

The President: I now give the floor to Mr. Anders Lidén, Chair of the Burundi configuration of the Peacebuilding Commission and the Permanent Representative of Sweden.

Mr. Lidén: I thank you, Sir, for the opportunity to participate in today's meeting on Burundi in my capacity as the Chair of the Burundi country-specific configuration of the Peacebuilding Commission. The close collaboration between the Security Council and the Peacebuilding Commission is essential. Not least is that so in the case of Burundi, a country that now seems to be on the right track towards the consolidation of peace, but that is situated in a very volatile region and needs the sustained support of the international community to prevent it from relapsing into armed conflict.

The conflict in the eastern Democratic Republic of the Congo — massacres and ethnic tension — can easily spill over into neighbouring countries with similar experiences of the past. At the same time, peace and stability in Burundi are the key building block for peace and stability in the region as a whole.

The implementation of the Comprehensive Ceasefire Agreement is a first crucial step in order for effective peacebuilding to take place in Burundi. In late October, I had the opportunity to visit Burundi to discuss with Burundians their priorities among the many priorities for peacebuilding. There was no doubt — peace and security were referred to as the number one priority. For example, I met with women's groups on the outskirts of Bujumbura who had suffered badly from war and lack of security, and now struggled to make a decent living for themselves and their children. Their first wish was for the Comprehensive Ceasefire Agreement between the Government of Burundi and the Parti pour la Libération du Peuple Hutu-Forces Nationales de Libération (Palipehutu-FNL) to be fully implemented. They needed security to move on with their lives and to believe in the future, so to hear about the breakthrough last week in the talks between the Government and the Palipehutu-FNL was indeed very good news.

We commend the leaders of the Regional Peace Initiative and the South African Facilitator for having brought about that breakthrough. We also congratulate the Government of Burundi and the Palipehutu-FNL on having shown the necessary flexibility. The declaration signed last week should bring an end to the conflict, giving the Palipehutu-FNL the opportunity to enter political life in Burundi as a political party under a new name and to be integrated into State institutions.

The agreement is a window of opportunity for Burundi and for the region. We now need to support the Burundians to ensure that this time around the agreement can be fully implemented. If we fail to do so and allow things to fall apart, the consequences for Burundi and the region could be devastating. With that in mind, the African Union and the Regional Initiative should be encouraged to remain fully engaged and to continue to play their important role as guarantors of the peace process for as long as necessary.

The Peacebuilding Commission's Strategic Framework for Peacebuilding in Burundi and the conclusions of the biannual review of June this year

provide a strong call for the Commission's support for the peace process and the implementation of the Ceasefire Agreement. The Commission will hold a country-specific meeting on Burundi tomorrow. The purpose is to hear from regional actors, the Burundian Government, the United Nations and other interested parties about their most urgent needs with regard to the implementation of the ceasefire, as well as to call for international political and financial support to address those needs.

The disarmament, demobilization and reintegration (DDR) process urgently has to move on, and with speed. The Peacebuilding Commission has been supportive in ensuring that there is an immediate World Bank programme in place and ready to deliver. Further support needs to be mobilized for other priorities, including for the process to transform the Palipehutu-FNL into a political party ready to participate in the elections of 2010, and for the regional engagement to remain on the ground.

International involvement, in particular through the African Union and the Regional Initiative, will continue to be crucial to ensure that the right conditions for the implementation of the DDR process and other aspects of the Ceasefire Agreement are in place. A sense of security and trust between the parties will be needed for a successful conclusion of the DDR process. Mutual trust and confidence in the institutions of the State will also be necessary to prepare for the electoral process. It is of utmost importance that the process that is to culminate in the elections in 2010 be considered to be free and fair. That will be an important test for peacebuilding in Burundi. The Peacebuilding Commission, the United Nations and the international community must stand ready to support Burundi in that process.

Peacebuilding in Burundi is a long-term partnership for peace and development. It requires sustained resources and capacity, as well as coordination. The implementation of the Ceasefire Agreement will provide the conditions needed to move ahead with the priorities of the Peacebuilding Commission's Strategic Framework, which include security, justice and the rule of law, land reform, socio-economic recovery and gender issues.

The Commission's biannual review in January 2009 will provide an opportunity to review progress in those areas and to call for further international support and attention where needed. Our joint efforts to consolidate peace in Burundi will lay the foundation for full-scale implementation of the Government's poverty reduction strategy for long-term development, to the benefit of all Burundians.

In conclusion, allow me to commend the Government of Burundi and all actors involved for their constructive engagement and their commitment to peace in Burundi. Let me use this occasion to thank the United Nations Integrated Office in Burundi (BINUB) for cooperating with the Peacebuilding Commission and the Government so ably in that regard. BINUB is very important for the Commission and for broader peacebuilding efforts. Further enhancing the integrated structure of BINUB and the United Nations country team, under the continued strategic leadership of the Executive Representative of the Secretary-General, will be necessary for effective United Nations support for peacebuilding in Burundi. The Peacebuilding Commission in New York will not be able to prove its relevance without the effective coordination and involvement of all stakeholders on the ground in Bujumbura.

The President: I thank His Excellency Mr. Anders Lidén for his briefing.

I now give the floor to the representative of Burundi.

Mr. Nsanze (Burundi) (*spoke in French*): The Government of Burundi thanks the Secretary-General for his fourth report (S/2008/745) on the United Nations Integrated Office in Burundi (BINUB), which is a succinct, comprehensive and very detailed document. The absence in the report of up-to-date information would have detracted from its quality had the 4 December summit at Bujumbura of heads of State of the Regional Peace Initiative for Burundi not been a success.

Beyond expressing my gratitude for the report, I would like to express the gratitude of the Government of Burundi to the Secretary-General and his Executive Representative for their commitment to ensuring the success of the peace process in my country. The Government of Burundi particularly thanks the Secretary-General for his statement to the summit of the Regional Peace Initiative for Burundi. His contribution no doubt played a role in convincing the Government and the Parti pour la Libération du Peuple Hutu-Forces Nationales de Libération that concluding the peace process was no longer subject to negotiation.

I would also like to take this opportunity once again to warmly thank Minister Charles Nqakula, Facilitator of the peace process, and the heads of State of the countries of the Regional Initiative, who once again responded promptly to the international community's appeals to resolve a situation that had become explosive. I should also like to thank the President of the Commission of the African Union, who travelled to Bujumbura to lend his presence to the summit.

In commenting on the report of the Secretary-General, allow me to begin by referring to the final paragraphs of that document. In his observations, the Secretary-General, confident that the peace process in Burundi would be concluded in the near future, recommends in paragraphs 90 to 93 that the Security Council extend the mandate of BINUB for 12 months. We fully support that wise and very sensible proposal. We also support carrying out a technical assessment of pending problems and the progress made in June 2009 so as to prepare for the transfer of BINUB from the Department of Peacekeeping Operations to the Department of Political Affairs. The Government of Burundi hopes to be involved in the assessment work to be carried out in the field.

To return to the beginning of the report, I note that the second part focuses on the main events that took place between 15 May and 10 November 2008. I shall not dwell on them; as I said earlier, the summit of the Regional Peace Initiative for Burundi that took place on 4 December 2008 in Bujumbura produced positive results that restored hope for everyone. This represents a decisive step, and the Government would now like to move on to the next stage.

Moreover, we inform the Council that Mr. Agathon Rwasa met yesterday with His Excellency President Pierre Nkurunziza in order to decide together the first steps to be taken in this regard. We hope that the other partners in the process will rapidly implement their commitments in order to allow the two stakeholders to advance.

Allow me to comment, however, on paragraph 14, which refers to incidents in which BINUB vehicles carrying personnel on board were attacked. We would like to inform the Council that the legal dispute between the former employees of the United Nations Operation in Burundi and of BINUB is currently being studied by the national bodies responsible for labour regulations in terms of international labour law. Their conclusions should settle this issue once and for all.

The third part of the report concerns peacebuilding and the integration of United Nations system activities. Burundi welcomes all efforts deployed by the United Nations system for the implementation of the United Nations Integrated Peacebuilding Support Strategy over the past two years. We hope that its extension through 2009 will provide an opportunity to enhance the implementation process, in particular through a better alignment of all activities of United Nations agencies with the priorities of the Strategy.

In the future, we will once again take up the United Nations strategic priorities for the period from 2010 to 2014, which were discussed with the Government and have recently been adopted. However, the issue of democratic governance, which constitutes the fourth priority, not the second, should be revisited, particularly with regard to the organization of the 2010 elections, in order to clear up any misunderstandings with regard to the upcoming electoral process. The Government is currently establishing an independent national electoral commission. The names of the members of the commission will be announced in the coming days. The competencies of the commission will not overlap with the initiatives of the United Nations system.

We were also struck by paragraphs 32 and 47 in the report, which deal with freedom of opinion and expression and by all paragraphs addressing human rights in general, namely paragraphs 44 through 53. The Government is currently setting up an independent national human rights commission. Moreover, draft laws, including a new penal code, and specific measures are being developed in order to guarantee peace for all citizens. Just recently, a high-level delegation travelled to Geneva in order to explain all these human rights issues in Burundi. A report was drawn up and discussed and recommendations were issued.

We will not dwell on that debate, but we would like to state that, while a number of cases of arrests and imprisonment were reported, that should not overshadow all the efforts of the Government to restore order in a country that is emerging from 40-odd years of military dictatorship with ethnic and regional dimensions and a dozen years of inter-ethnic civil war. It is important to reassert the value of the principle that no one is above the law, including journalists who might be tempted to express themselves without regard to the ethical code that governs their profession.

With regard to the economic situation, we welcome the fact that our country has attained an economic growth rate of 4.5 per cent. We take this opportunity to warmly thank the World Bank, the International Monetary Fund, the Peacebuilding Support Office and all our bilateral partners for their support to our country in its journey towards social and economic recovery. We encourage them to continue in this direction. We are convinced that we will be able to further enhance our performance if we reach the completion point as planned and if our external debts are forgiven.

We would like to encourage prospective investors to visit Burundi. The Government has created an environment conducive to foreign investment through our new investment code. Tourism and the mining sector are the main industries favoured by such investors.

To conclude, we welcome the conclusions reached at the summit of the Regional Peace Initiative held on 4 June 2008 and the commitments made by the parties concerned. We hope that the Security Council will endorse them and support their implementation.

The President: I now give the floor to those Council members who wish to make comments or ask questions in response to the briefings we have just heard.

Mr. Weisleder (Costa Rica) (*spoke in Spanish*): I would like to start by expressing my gratitude for the briefings made by Ambassador Lidén, Ambassador Nsanze and Minister Charles Nqakula and by thanking the Secretary-General for his report on Burundi. My delegation supports the observations and recommendations contained in the report, including the proposal to extend the mandate of the United Nations Integrated Office in Burundi (BINUB). We would like to underscore a number of points that are of particular importance for our delegation.

First of all, Costa Rica would like to commend the parties for achieving an agreement this past week on a number of the most sensitive issues of the peace process. We hope that both parties will be able to meet their commitments in such a way as to ensure a successful conclusion to this last stage of the peace process. We also acknowledge and express our gratitude for the significant efforts deployed by the Regional Peace Initiative and for South Africa's facilitation in this regard.

We are gravely concerned by the fact that there are still child soldiers among the forces of the Palipehutu-Forces Nationales de Libération (Palipehutu-FNL), and we forcefully call upon that group to unconditionally release all children associated with its movement.

Finally, in the light of having just yesterday celebrated the sixtieth anniversary of the Universal Declaration of Human Rights, my country would like to express its concern at the arrests of members of the political opposition, members of the communications media and representatives of civil society. Costa Rica considers such behaviour unacceptable. It is as unacceptable in this case as it would be in any other case in any other region of the world.

We welcome the news just shared with us by the Ambassador of Burundi with regard to the establishment of an independent human rights commission, and we hope that further steps will be taken in this direction. However, listening to the speakers and considering the contents of the report of the Secretary-General, our concerns remain.

We call on the authorities of Burundi to respect the rights to the freedom of expression and of association and to ensure the due procedural rights and the fair trial of all detainees.

The President: There are no further speakers inscribed on my list. In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to informal consultations to continue discussion on this subject.

The meeting rose at 3.55 p.m.